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10/598,837	07/02/2007	Christophe Pierre Girard	403807/WEINSTEIN	1053
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EXAMINER LEWIS, JUSTIN V				
ART UNIT		PAPER NUMBER		
3725				
NOTIFICATION DATE		DELIVERY MODE		
08/28/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/598,837

**Applicant(s)**

GIRARD, CHRISTOPHE PIERRE

**Examiner**

JUSTIN V. LEWIS

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 13 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's amendment, filed on 26 May 2009, is acknowledged. Amended claim 17 has been entered. Accordingly, claims 1-17 are currently pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0136774 to O'Boyle ("O'Boyle") in view of U.S. Patent Application Publication No. 2003/0030269 to Hernandez ("Hernandez") and further in view of U.S. Patent No. 4,932,520 to Ciarcia et al. ("Ciarcia").

Regarding claim 1, O'Boyle discloses a filing notebook (notebook 10) comprising:

- i) a cover including a front leaf (front cover 17) and a back leaf (back cover 18); ii) a binder (spiral binding 11) joining the front and back leaves together (see fig. 2); and iii) inner notebook pages (sheets 16) connected to the binder between the front and back leaves (see fig. 2), but fails to disclose: i) the notebook pages being detachable; and ii) separation sheets.

Hernandez teaches notebook pages being detachable (via perforations 26a and 26b, per paragraph 54).

Ciarcia teaches inner separation sheets (envelopes 40) with tabs (enclosures 52) for filing notebook pages separated from the binder in respective compartments (corner pocket 62) created by the inner separation sheets (see fig. 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include Hernandez perforations within the O'Boyle sheets in order to render the sheets separable from the notebook after they have been sufficiently used, as explicitly taught by Hernandez (see paragraph 54).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to disperse Ciarcia envelopes throughout the O'Boyle sheets, attaching them to the spiral binding in order to retain pages removed from other areas of the notebook assembly, as explicitly taught by Ciarcia (see col. 3, lines 64-67).

Regarding claim 2, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook of claim 1, wherein each notebook page includes a scored line that is parallel to the binder, in proximity to the binder, and along which the notebook page can be detached in order to file the notebook page in a compartment between two adjacent inner separation sheets (see the combination set forth in the rejection of claim 1, above).

Regarding claim 3, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook according to claim 1 wherein the inner separation sheets are located between the notebook pages of the notebook and the back leaf (see the combination set forth in the rejection of claim 1, above).

Regarding claim 4, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook according to claim 1, wherein the tabs are located at different heights on the inner separation sheets (see Ciarcia fig. 1).

Regarding claim 6, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook according to claim 1, wherein the front leaf makes the tabs of the inner separation sheets visible and directly accessible when the notebook is closed (see the combination set forth in the rejection of claim 1, above, in light of O'Boyle fig. 1 and Ciarcia fig. 1).

Regarding claim 10, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook according to claim 1, wherein the binder includes a spiral (see O'Boyle paragraph 20).

Regarding claim 11, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook according to claim 1, wherein the notebook pages are perforated for filing in another notebook (see O'Boyle fig. 2, showing holes 12).

Regarding claim 12, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook according to claim 1, wherein compartments between the inner separation sheets can receive pages other than the notebook pages (see Ciarcia fig. 3; note that the pocket arrangement allows a multitude of different articles to be retained therein).

Regarding claim 16, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook according to claim 4, wherein the front leaf makes the tabs of the inner separation sheets visible and directly accessible when the notebook is

closed (see the combination set forth in the rejection of claim 1, above, in light of O'Boyle fig. 1 and Ciarcia fig. 1).

4. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Boyle in view of Hernandez and further in view of Ciarcia and U.S. Patent No. 5,651,628 to Bankes et al. ("Bankes").

Regarding claim 5, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook according to claim 1, but fails to disclose the front leaf invisibly covering the tabs of the inner separation sheets when the notebook is closed.

Bankes teaches a front leaf invisibly covering the tabs of inner separation sheets when a notebook is closed (see fig. 2d).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to apply the Bankes extended cover teachings to the notebook of O'Boyle in view of Hernandez and further in view of Ciarcia in order to protect the tabs from damage, as explicitly taught by Bankes (see col. 3, lines 7-12).

Regarding claim 15, O'Boyle in view of Hernandez and further in view of Ciarcia, as modified by Bankes (in the manner set forth in the rejection of claim 5, above), discloses the filing notebook according to claim 4, wherein the front leaf invisibly covers the tabs of the inner separation sheets when the notebook is closed (see the combination set forth in the rejection of claim 5, above).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Boyle in view of Hernandez and further in view of Ciarcia and U.S. Patent Application Publication No. 2002/0089166 to Schwartz ("Schwartz").

Regarding claim 7, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook according to claim 1, but fails to disclose the front or back leaves including flaps.

Schwartz teaches the inclusion of flaps (corners 3) along the upper, lower, and side edges of a substrate sheet (see fig. 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to attach Scharzt corners to the front and/or back covers of the notebook of O'Boyle in view of Hernandez and further in view of Ciarcia in order to securely hold a leaf of paper, as explicitly taught by Scharzt (see paragraph 48).

6. Claims 8-9 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Boyle in view of Hernandez and further in view of Ciarcia and U.S. Patent Application Publication No. 2004/0253046 to Africa et al. ("Africa").

Regarding claim 8, O'Boyle in view of Hernandez and further in view of Ciarcia discloses the filing notebook according to claim 1, but fails to disclose a closing means including an elastic band.

Africa teaches a closing means for keeping a notebook closed, including an elastic band (loop of elastic material 68) fastened to one of the front and back leaves by rivets (see paragraph 17), sliding relative to the leaf via eyelets, and for pulling over a corner of the back or front leaf parallel to the binder (see fig. 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to attach the Africa loop of elastic material to the notebook of O'Boyle in

view of Hernandez and further in view of Ciarcia in order to maintain the notebook in its closed position, as explicitly taught by Africa (see paragraph 17).

Regarding claim 9, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa discloses the filing notebook of claim 8, wherein the closing means can be pulled over a corner of the inner separation sheets (see Africa fig. 1).

Regarding claim 13, O'Boyle in view of Hernandez and further in view of Ciarcia, as modified by Africa (in the manner set forth in the rejection of claim 8, above), discloses the filing notebook according to claim 1, including at least one closing means for keeping the notebook closed (Africa loop of elastic material 68) and including an elastic band fastened to one of the front and back leaves by rivets, sliding relative to the leaf via eyelets, and for pulling over the front or back leaf and parallel to the binder (see the combination set forth in the rejection of claim 8, above).

Regarding claim 14, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa discloses the filing notebook of claim 8, wherein the closing means can be pulled entirely over the inner separation sheets (see the combination set forth in the rejection of claim 8, above).

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Boyle in view of Hernandez and further in view of Ciarcia and U.S. Patent No. 2,551,784 to Bauer ("Bauer").

Regarding claim 17, O'Boyle, as modified by Hernandez and Ciarcia (in the manner set forth in the rejection of claim 1, above), discloses a filing notebook (O'Boyle notebook 10) comprising: i) a cover including a front leaf (O'Boyle front cover 17) and a



back leaf (O'Boyle back cover 18); ii) a binder (spiral binding 11) joining the front and back leaves together (see O'Boyle fig. 2); iii) inner notebook pages (O'Boyle sheets 16) connected to the binder between the front and back leaves (see O'Boyle fig. 2), wherein the notebook pages are detachable (see the combination set forth in the rejection of claim 1, above); and iv) inner separation sheets (Ciarcia envelopes 40) with tabs (Ciarcia enclosures 52) inseparably connected to the binder (see the combination set forth in the rejection of claim 1, above) for filing notebook pages separated from the binder in respective compartments (Ciarcia corner pocket 62) created by the inner separation sheets (see Ciarcia fig. 1), wherein the inner separation sheets are located between the notebook pages of the notebook and one of the front and back leaves (see the combination set forth in the rejection of claim 1, above), but fails to disclose at least one closing means including an elastic band fastened to one of the front and back leaves by rivets sliding relative to the leaf via eyelets, wherein the elastic band is adapted to be pulled over corners of the superimposed inner separation sheets so that the separation sheets are adapted to secure notebook pages between the separation sheets and notebook pages attached to the binder are available for use.

Bauer teaches the concept of providing a closing means including an elastic band (elastic cord 27) fastened to one of the front and back leaves by rivets (buttons 26) sliding relative to the leaf via eyelets (see fig. 1), wherein the elastic band is adapted to be pulled over corners of the superimposed inner separation sheets so that the separation sheets are adapted to secure notebook pages between the separation sheets and notebook pages attached to the binder are available for use (see fig. 1; note

that such function could be accomplished given the shown arrangement, in addition to other functions).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to attach the Bauer elastic cords and buttons to the O'Boyle cover in order to hold down the pages placed underneath, as explicitly taught by Bauer (see col. 2, lines 15-18).

### ***Response to Arguments***

In response to Applicant's statement that the rejections of claims 1-16 are each traversed (see Applicant's Arguments/Remarks pg. 6, line 4), Examiner respectfully asserts that Applicant has failed to set forth an argument including sufficient terms and basis to enable Examiner to respond.

In response to Applicant's argument that the combination of references used in the prior rejection fails to disclose the limitations of newly amended claim 17 (see Applicant's Arguments/Remarks pg. 6, lines 9-13), Examiner respectfully directs Applicant to see the rejection of claim 17 under 35 USC 103 set forth in the instant rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN V. LEWIS whose telephone number is (571)270-5052. The examiner can normally be reached on M-F 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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